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JU files claim against town

Amount is same as Florence tried to collect 2 years ago from utility

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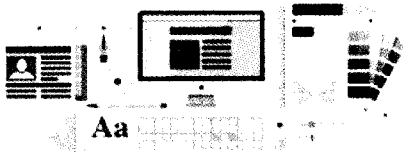
Posted: Thursday, July 21, 2016 1:00 am

Staff Reports

The Town of Florence is facing a claim from Johnson Utilities for \$178,452, which alleges the company has suffered damages since "an unfounded allegation and communication" by Town Manager Brent Billingsley early this year.

The amount is equal to what the town attempted to collect from JU two years ago.

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JU's notice of claim, dated July 12, says Billingsley sent an email to a consultant for JU stating he was informed that JU was to reimburse the town for its due diligence costs as it contemplated buying Johnson Utilities in late 2013 through mid-2014. Owner George Johnson called off the negotiations and the purchase never occurred.

JU's claim states this matter was settled in 2014 after a company attorney explained why the company would not pay, and the town pursued it no further.

Then on Jan. 22 of this year, Billingsley sent his email to the consultant, which was also seen by the town attorney and "likely was sent to others," the claim letter states, "at a time when the Town Manager knew or should have known that the statement was false."

"The purpose of the Town Manager's email may have been to keep others from dealing with JU or forwarding the agenda of a person(s) who did not want the Town to deal with JU," the letter alleges.

JU has since attempted to have Billingsley's claim withdrawn. The company asked that the Town Council confirm that JU does not owe the town any money at the council's June 20 meeting. But there was no agenda item.

JU estimates it will incur damages of \$200,000, plus \$200,000 more in assorted expenses and fees as it pursues litigation against the town. The company further says it anticipates being awarded \$1 million in punitive damages against Billingsley.

But it said it is willing to settle for \$178,452, according to the claim letter.

Assistant Town Manager Jess Knudson said Monday the town didn't have a comment at this time.

The claim letter says the possibility of JU reimbursing the town for its expenses arose when discussions of the purchase began in October 2013. But town officials said at the time the town didn't want reimbursement "to demonstrate to the people of Florence that the Town's analysis was independent."

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